

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL JAY DEMARTINI, et al.,

Plaintiffs,

v.

THOMAS CHRISTOPHER JOHNS, et al.,

Defendants.

Case No. 12-cv-03929-JCS

**AMENDED¹ ORDER DENYING
MOTION FOR SERVICE BY
MARSHAL AND GRANTING
REQUEST FOR EXTENSION OF
BRIEFING DATES**

Re: Dkt. Nos. 35, 44

Defendants have brought a Motion to Reopen Case and Vacate Arbitration Award (“Motion to Vacate”), noticed for hearing on November 21, 2014. Docket No. 29. They have also brought a Motion to Direct Service by US Marshals Service (“Motion for Service”). Docket No. 35. The Court has also received a letter from Plaintiffs requesting an extension of time to respond to the Motion to Vacate. A hearing on the Motion for Service and the request for an extension of time was held on Friday, September 19, 2014 at 2:00 pm. Defendants appeared in person through counsel and Plaintiffs participated via telephone. At the hearing, Plaintiffs agreed to waive service by the United States Marshal under the Federal Arbitration Act and stipulated that the Motion to Vacate has already been served upon them by mail and need not be re-served. Accordingly, the Motion for Service is DENIED as moot. The Court also GRANTS Plaintiff’s request for an extension of time to respond to the Motion to Vacate and sets the following dates on that motion:

¹ This Amended Order corrects and supersedes the Order issued on September 22, 2014 (Docket No. 47). Due to a clerical error, the previous Order stated that Defendants’ Motion to Vacate was denied as moot. As stated herein, the Motion for Service is denied as moot, and the Motion to Vacate has not yet been decided.

1 Plaintiffs' Opposition brief shall be filed no later than **November 17, 2014**; Defendants' Reply
2 brief shall be filed by **December 1, 2014**. A hearing on the Motion to Vacate will be held on
3 **December 19, 2014 at 9:30 a.m.**²

4 **IT IS SO ORDERED.**

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6 Dated: September 24, 2014

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9 JOSEPH C. SPERO
10 United States Magistrate Judge
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28 ² The parties have consented to the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(c).